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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,546	03/06/2000	Frederik Ekkel	US-000014	8972

7590

12/04/2003

c/o PHILIPS ELECTRONICS NORTH AMERICA CORPORATION  
Corporate Intellectual Property  
1000 West Maude Ave  
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EXAMINER

CHANG, ERIC

ART UNIT PAPER NUMBER

2185

DATE MAILED: 12/04/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/519,546

Applicant(s)

EKKEL ET AL.

Examiner

Eric Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-14 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-14 and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Claims 2-8, 10-14 and 20-24 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 2-8, 10-14 and 20-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 2, 10, 13-14 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,263,346 to Rodriquez, in view of U.S. Patent 6,530,083 to Liebenow.
5. As to claim 20, Rodriquez discloses a method of enabling a user to configure a device, comprising:
  - [a] providing user-access to a remote server over a network to enter a configuration preference for the processing and presentation of a user interface selection for the device [col. 8, lines 22-33];
  - [b] generating control data at the remote server according to the preference for configuration [col. 9, lines 4-12]; and

[c] sending the control data from the remote server onto the device causing an initiation of the device configuration according to the entered preference [col. 9, lines 26-41].

Rodriquez teaches the user-selected preference for configuration respecting the processing of the user interface configuration profile for a user of the device. Access is granted to a user to a remote server to enter the configuration preference, and control data to reproduce said preferences are generated and stored on the remote server. When a user logs into the device to be configured, control data is sent from the remote server in order to configure the device accordingly, substantially as claimed. Although Rodriquez teaches the user profile comprises the visual display and appearance of content on the device [col. 7, lines 25-67], Rodriquez does not teach that the preference for configuration specifically respects a play out of multimedia content.

Liebenow teaches user-selected preferences for configuration for a device with respect to the play out parameters of multimedia content [col. 1, lines 58-67, and col. 2, lines 1-6], such as audio/video settings or other settings [col. 1, lines 13-28].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the multimedia settings as taught by Liebenow. One of ordinary skill in the art would have been motivated to do so that the device can be configured to present multimedia content according to a user's preference in addition to being configurable in addition to other user interface profile settings.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of configuring a device according to a user-selected preference for the configuration of a device. Moreover, the

multimedia settings taught by Liebenow would improve the flexibility of Rodriguez because it increases the number of preference options customizable for each user.

6. As to claim 21, Liebenow teaches user-selected preferences for configuration for a device with respect to the play out parameters of multimedia content [col. 1, lines 58-67, and col. 2, lines 1-6], such as audio/video settings or other settings [col. 1, lines 13-28].

7. As to claim 2, Rodriguez discloses downloading the control data from the server [col. 9, lines 26-30]. Rodriguez teaches the customization control data is downloaded from the server and used to configure the equipment, substantially as claimed.

8. As to claim 10, Liebenow discloses the device may comprise a personal video recorder, such as a VCR, video-disk recorder, or other television/computer convergent system, substantially as claimed [col. 3, lines 1-18].

9. As to claim 13, Rodriguez discloses the server has a database with information relating to the consumer and the generation of the control data takes into account the information in the database [col. 9, lines 25-30].

10. As to claim 14, Rodriguez discloses a second consumer may program the equipment according the preferences of the second consumer via the network, a server application, and the subsequent generated control data [col. 7, lines 21-24]. Because Rodriguez teaches the method

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for one consumer, Rodriquez teaches the method may be used by a second consumer to program the equipment, substantially as claimed. Rodriquez also teaches that the user profile is portable, based on the user ID [col. 4, lines 18-30].

11. As to claims 22 and 24, Rodriquez and Liebenow teach the method for configuring a device using control data generated by a server from an entered user preference for configuration of the device, with respect to a processing and play-out of multimedia content. Because Rodriquez and Liebenow teach the method, they teach the device capable of implementing said method, substantially as claimed.

12. As to claim 23, Liebenow discloses the device may comprise a personal video recorder, such as a VCR, video-disk recorder, or other television/computer convergent system, substantially as claimed [col. 3, lines 1-18].

13. Claims 3-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,263,346 to Rodriquez, in view of U.S. Patent 6,530,083 to Liebenow, and in further view of U.S. Patent 6,012,088 to Li, et al.

14. As to claim 5 and 7, Rodriquez and Liebenow teach all of the limitations of the claims, but do not teach that the consumer interacts with a server via a further system different from the equipment to be programmed, although Rodriquez does teach that the user profile is portable, based on the user ID [col. 4, lines 18-30]. Thus, Rodriquez teaches that the customization of the

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user interface made on one client computer would be available to the user if a different client is subsequently used.

Li discloses the consumer interacts with the server via a further system different from the equipment to be programmed [col. 18, lines 2-6]. Li discloses the device serving as the further system to set the control information may be different from the equipment to be programmed, and by being separate, necessarily remote from said equipment.

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the third-party device for programming the equipment as taught by Li. One of ordinary skill in the art would have been motivated to do so that devices other than the one being configured can be used in the configuration process.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of setting user preferences for configuring a device. Moreover, the third-party device programming means taught by Li would improve the flexibility of Rodriguez and Liebenow because it allowed for mediated configuration of the user device.

15. As to claim 6, Li discloses the server provides respective applications for being interacted with via further systems [col. 9, lines 20-28, and col. 9, lines 50-61]. Since the consumer is interacting with the server to generate the control data, it is inherent that the server provides an application to enable the interaction, substantially as claimed.

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16. As to claim 8, Li discloses the consumer requests the server to establish contact with the equipment [col. 22, lines 58-63] and the server establishes the contact in response to the consumer's request [col. 22, lines 60-65]. Li teaches the consumer sends a request to the server for control information, and that the server subsequently sends the requested configuration data.

17. As to claims 3 and 4, Li discloses downloading the control data to a further system for programming the equipment upon transfer of the control data from the further system to the equipment [col. 18, lines 2-6]. Li discloses a further system to be used by the consumer to communicate with the server to access and retrieve control information for the equipment to be programmed [col. 9, lines 20-28, and col. 9, lines 50-61]. It would be obvious to one of ordinary skill in the art to employ devices such as a set-top box, a PC, a telephone, or any other communications means to communicate with the server system.

18. As to claims 11-12, Li discloses the consumer is enabled to interact with the application via speech input, for example, with a human operator who interacts with the server application based on the consumer's input [col. 9, lines 20-28, and col. 9, lines 50-61]. Since the consumer is interacting with the server to generate the control data, it is inherent that the server provides an application to enable the interaction, substantially as claimed. Furthermore, Li teaches that a trained network operator is available for determining configuration information as needed by the consumer [col. 2, lines 45-52]. It would be obvious to one of ordinary skill in the art to use such a human operator to serve as a facilitator, taking speech input from the consumer, and entering

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the necessary information into the server application to generate the control data, substantially as claimed.

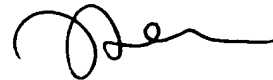
***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ec



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